CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE
ON DISARMAMENT

CCD/PV.440
7 October 1969
ENGLISH

GOVT
PUBLICS
DEPT

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND FORTIETH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 7 October 1969, at 10.30 a.m.

Chairman: Mr. Y. NAKAYAMA (Japan)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430)

GE.69-22149

PRESENT AT THE TABLE

Argentina:	Mr. C. ORTIZ de ROZAS
	Mr. A.F. DUMONT
	Mr. O. SARACHO
Brazil:	Mr. S.A. FRAZAO
	Mr. P. CABRAL de MELLO
	Mr. L.F. PALMEIRA LAMPREIA
	Mr. M. DARCY de OLIVEIRA
Bulgaria:	Mr. K. CHRISTOV
	Mr. I. PEINIRDJIEV
Burma:	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. R.W. CLARK
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. T. LAHODA
	Mr. J. CINGROS
Ethiopia:	Mr. A. ZELLEKE
Hungary:	Mr. I. KOMIVES
	Mr. I. SARKADI
	Mr. S. HAJNAL
India:	Mr. M.A. HUSAIN
	Mr. N. KRISHNAN
	Mr. K.P. JAIN
Italy:	Mr. R. CARACCIOLO
	Mr. F.L. OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA

Japan:	Mr. Y. NAKAYAMA
	Mr. T. SENGOKU
	Mr. J. SAKAMOTO
Mexico:	Miss E. AGUIRRE
	Mr. J. MERCADO
Mongolia:	Mr. Z. ERENDOO
	Mrs. D. BALJINNYAM
Morocco:	Mr. A.A. KHATTABI
Netherlands:	Mr. H.F. ESCHAUZIER
	Mr. E. BOS
Nigeria:	Mr. C.O. HOLLIST
	Mr. L.A. MALIKI
Pakistan:	Mr. K. AHMED
	Mr. S.A.D. BUKHARI
Poland:	Mr. K. ZYBYLSKI
	Mr. H. STEPOSZ
	Mr. R. WLAZLO
Romania:	Mr. N. ECOBESCO
	Mr. C. GEORGESCO
	Mr. F. ROSU
	Mr. C. MITRAN
Sweden:	Mr. A. EDELSTAM
	Mr. R. BOMAN
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. R.M. TIMERBAEV
	Mr. V.B. TOULINOV
	Mr. Y.C. NAZARKINE

United Arab Republic:	Mr. H. KHALLAF
	Mr. O. SIRRY
	Mr. Y. RIZK
	Mr. M. ISMAIL
United Kingdom:	Mr. I.F. PORTER
	Mr. R.A. RIDDELL
	Mr. R.I.T. CROMARTIE
United States of America:	Mr. J.F. LEONARD
	Mr. A.F. NEIDLE
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. VUKOVIC
Special Representative of the Secretary-General	Mr. D. PROTITCH
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. The CHAIRMAN (Japan) (translation from French): I declare open the 440th plenary meeting of the Conference of the Committee on Disarmament.

2. Before calling on the first speaker, I have pleasure in welcoming Mr. Kazimierz Zybylski, who was previously a member of the Polish delegation and who returns to our midst today as the representative of Poland.

3. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translation from Russian): A draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof (CCD/269), agreed between the Soviet Union and the United States, is submitted for the consideration of the Committee on Disarmament.

4. The Soviet Union attaches great importance to the exclusion of extensive areas of the sea-bed and the ocean floor, which represent two-thirds of the surface of the terrestrial globe, from the sphere of the arms race. This task is becoming particularly urgent now that the practical exploration of the sea-bed is just beginning and the danger is arising that this new field of human endeavour will be used not in the interests of peace but for purposes of war and destruction.

5. As experience shows, it is much more difficult to stop an arms race where it is already being carried on than to prevent it from spreading to the environments which were previously inaccessible to man but are gradually being opened up thanks to the achievements of science and technology. International practice bears witness to the feasibility and importance of carrying out measures to prevent an arms race in environments new to man, such as the Antarctic, which under the Treaty of 1959 [1] is used exclusively for peaceful purposes, or outer space, with regard to which a number of demilitarization measures were laid down in the Treaty of 1967 (General Assembly resolution 2222 (XXI) (Annex)).

6. The Soviet Union, in its Memorandum of 1 July 1968 on some urgent measures for stopping the arms race and for disarmament (ENDC/227), submitted for the consideration of States a proposal that the sea-bed and the ocean floor should be used exclusively for peaceful purposes. In elaboration of this the Soviet Union submitted a draft treaty (ENDC/240) on 18 March of this year.

1/ United Nations Treaty Series, Vol. 402, pp. 71 et seq.

(Mr. Roshchin, USSR)

7. The elaboration of the draft treaty on the sea-bed and the ocean floor which has been submitted to the Committee today was carried out in an atmosphere of fruitful discussion which showed that there is a general realization of the need to prevent an arms race from starting on the sea-bed and the ocean floor. The joint efforts made it possible to reach agreement on the document now submitted to the Committee.

8. I shall now dwell briefly on the most important provisions of the draft treaty which is before the Committee.

9. The main undertaking of the parties to the treaty is laid down in article I, which provides for the prohibition of the emplacement on the sea-bed and the ocean floor and in the subsoil thereof of any objects with nuclear weapons or any other types of weapons of mass destruction, as well as structures, launching installations, or any other facilities specifically designed for storing, testing or using such weapons.

10. Thus it is proposed to settle at this stage the most important part of the problem of the demilitarization of the sea-bed, namely to prohibit the emplacement there of the most dangerous types of weapons. At the same time the treaty emphasizes that it constitutes a step towards the exclusion of the sea-bed and the subsoil thereof from the arms race, and that the parties to the treaty will continue negotiations concerning further measures leading to this end. This approach to the question of the scope of the prohibition, which takes into account to the maximum extent the points of view of the participants in the negotiations, ensures the most speedy and, in existing conditions, the widest possible solution of the problem of demilitarizing the sea-bed.

11. From the very beginning of the negotiations the Soviet Union has based itself on the premise that the treaty should cover the whole area of the sea-bed and the ocean floor beyond a twelve-mile coastal zone. Account has also been taken of the fact that with a few exceptions coastal States have territorial waters within these limits. The draft treaty submitted today mentions precisely a zone with a twelve-mile width. It refers to the maximum contiguous zone provided for in the 1958 Geneva Convention[2/], the extent of which, under paragraph 2 of article 24 of that Convention, is precisely twelve nautical miles.

12. The principle for measuring the outer limit of the twelve-mile zone is clearly formulated in the text of the treaty, where it is proposed to be guided by the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone and by international law.

2/ United Nations Treaty Series, Vol. 516, p. 221

(Mr. Roshchin, USSR)

13. The draft treaty points out that none of its provisions shall be interpreted as supporting or prejudicing the position of States with respect to their rights or claims related to waters off their coasts or to the sea-bed and the ocean floor.

14. The provisions concerning a specific system of control are an important part of the treaty. They include the right of States parties to the treaty to verify the activities of other States parties on the sea-bed and the ocean floor and in the subsoil thereof beyond the twelve-mile zone, if these activities raise doubts concerning the fulfilment of the obligations assumed under this treaty, without interfering with such activities or otherwise infringing rights recognized under international law, including the freedoms of the high seas. Provision is also made for consultation and co-operation among parties to the treaty in order to remove doubts concerning the fulfilment of the obligations assumed under the treaty.

15. In elaborating the verification provisions the views of various delegations in this regard were taken into account. Thus many delegations expressed the wish that, for the purpose of the widest possible participation of States in the practical conduct of verification of the treaty provisions, the right should be provided to ask other parties to the treaty to extend assistance in this matter. That suggestion was adopted and is reflected accordingly in the text of the draft treaty.

16. The system of control provided for in the draft treaty will thus ensure effective verification of the implementation of the treaty, as well as equal rights for each State party to the treaty to participate in the exercise of control, without creating obstacles to unprohibited activities on the sea-bed and the ocean floor.

17. The articles of the treaty dealing with the procedure for submitting amendments, the right of withdrawal and other final clauses of the treaty have been drafted on the basis of the precedents already in existence which have received wide international recognition. In these articles use was made of the formulas of corresponding provisions of the non-proliferation Treaty (ENDC/226*), the treaty banning nuclear-weapon tests in three environments (ENDC/100/Rev.1), the outer-space Treaty and other international instruments.

(Mr. Roshchin, USSR)

18. Permit me, in conclusion, to express the hope that the draft treaty on the prohibition of the emplacement on the sea-bed and the ocean floor of nuclear weapons and other weapons of mass destruction will receive the wide support and approval of the members of the Committee on Disarmament, so that it may be submitted in the near future to the current session of the United Nations General Assembly.

19. The conclusion of a treaty on the sea-bed will be another important contribution to the solution of the problem of narrowing the sphere of the arms race, above all of the nuclear arms race, and of restricting and finally stopping it altogether. The elaboration of this treaty is a graphic illustration of how the clause of the non-proliferation Treaty laying down the obligation to pursue negotiations on measures relating to cessation of the nuclear arms race is being carried out in practice. This new agreement will help towards the creation of more favourable conditions for the elaboration and implementation of further measures aimed at stopping the arms race and achieving disarmament. At the same time it is a necessary prerequisite for the development of international co-operation in exploring the sea-bed environment for peaceful purposes.

20. Allow me, Mr. Chairman, to associate myself with your words of welcome to the representative of Poland, Mr. Zybylski, who is among us again and is once more participating in the work of our Committee on Disarmament.

21. Mr. LEONARD (United States of America): It has been widely recognised during our work this year that the most promising item on our agenda, in terms of developing a concrete agreement, has been the question of preventing an extension of the arms race to the sea-bed. As my colleagues know, this question has been the subject of intensive discussions between the delegations of the Soviet Union and the United States; and I am pleased to be able to join the Soviet co-Chairman in reporting that our labours have proved fruitful. The product of our efforts has now been circulated in the form of a revised draft treaty (CCD/269) to prohibit the emplacement of nuclear weapons or other types of weapons of mass destruction on the sea-bed and ocean floor or in the subsoil thereof.

22. The draft treaty we are presenting today has been worked out by the Governments of the United States and the Soviet Union as a recommendation for discussion and negotiation in this Committee. My delegation hopes that the members of the Committee will soon be in a position to comment on the draft, having in mind the importance of timely submission of a broadly-agreed text to the current General Assembly. Naturally

(Mr. Leonard, United States)

governments will wish to study its provisions with care, and we shall need to consider the possibility of changes in the text. In the near future I plan to make a statement on the considerations that have shaped the United States delegation's approach to certain suggestions that have already been put forward and on possible areas in which the draft might be improved.

23. I would now like to explain some of the provisions of the new draft treaty.

24. The first paragraph of article I would prohibit any party from emplanting or emplacing on the sea-bed, beyond the outer limits of the contiguous zone, any objects with nuclear weapons or any other types of weapons of mass destruction. This prohibition, like the outer-space Treaty (General Assembly resolution 2222 (XXI) (Annex)), would thus cover in particular nuclear weapons and also any other weapons of mass destruction, such as chemical or biological weapons. This paragraph would also ban structures, launching installations, or any other facilities specifically designed for storing, testing or using such weapons. The treaty would therefore prohibit, inter alia, nuclear mines that were anchored to or emplaced on the sea-bed. The treaty would not, however, apply to facilities for research or for commercial exploitation not specifically designed for storing, testing or using weapons of mass destruction. On the other hand, facilities specifically designed for using nuclear weapons or weapons of mass destruction would not, because they could also use conventional weapons, be exempted from the prohibitions of this treaty.

25. Since this treaty is concerned with uses of the sea-bed, vehicles which can navigate in the water above the sea-bed and submarines should be viewed in the same way as any other ships; submarines would therefore not be violating the treaty if they were either anchored to, or resting on, the sea-bed.

26. I would also like to point out that this treaty would not impede peaceful uses of nuclear energy. The prohibitions of the treaty are not intended in any way to affect the conduct of peaceful nuclear explosions or to affect applications of nuclear reactors, scientific research, or other non-weapons applications of nuclear energy, consistent with other treaty obligations.

27. The second paragraph of article I is similar to provisions of the limited test-ban Treaty (ENDC/100/Rev.1) and the non-proliferation Treaty (ENDC/226*), and is intended to ensure that this treaty effectively accomplishes its purposes.

(Mr. Leonard, United States)

28. Let me now turn to article II of the new draft. The provisions of this article reflect my delegation's conviction that our effort to develop a sound measure for sea-bed arms control must be based squarely on existing international law. I believe we can all agree that a sea-bed arms-control agreement should not and cannot be an instrument to solve complex questions of the Law of the Sea, and that the prospects for broad acceptance of a treaty will be much greater if the treaty is fully in accord with the Law of the Sea. Otherwise we would run a severe risk of getting bogged down in extraneous questions relating to national jurisdiction and exploitation of the resources of the sea and of the sea-bed. If this were to happen it would be much more difficult, perhaps even impossible, for us to reach agreement on a practical arms-control measure.

29. Moreover, we believe that there is wide international agreement on the basic principles of the Law of the Sea, particularly as those principles are spelt out in the 1958 Geneva Conventions. We have therefore taken the 1958 Convention on the Territorial Sea and the Contiguous Zone[3/] as the basis for measuring the outer limit of the contiguous zone beyond which the prohibitions would apply.

30. The method for measuring the band is covered in two provisions of the treaty. First, paragraph 1 of article I specifies that the prohibitions of the treaty would apply beyond the maximum contiguous zone provided for in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone. As delegations are doubtless aware, article 24 of the 1958 Convention stipulates that the maximum zone is twelve miles. Second, paragraph 1 of article II specifies that the outer limit of the contiguous zone shall be measured in accordance with section II of the Convention on the Territorial Sea and the Contiguous Zone and with international law.

31. Finally, I would like to draw attention to paragraph 2 of article II. This clause provides that nothing in this treaty shall be interpreted as supporting or prejudicing the position of any party with respect to rights or claims which such State party may assert, or with respect to recognition or non-recognition of rights or claims asserted by any other State, related to waters off its coasts, or to the sea-bed and the ocean floor.

32. There has already been a good deal of discussion in the Committee concerning possible elements of a verification provision for the sea-bed treaty. We in the United States delegation have explained in plenary statements as well as in informal discussions the reasons that led us to conclude that the requirement for verification is dependent

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3/ United Nations Treaty Series, Vol. 516, p. 221.

(Mr. Leonard, United States)

on the nature of the prohibition. Based on this conclusion, and in view of the difficulties of the sea-bed environment and the limitations of available technology, we believe that the right to verify set forth in article III would be appropriate for this treaty. This provision would ensure that parties would be able to check compliance with the treaty, taking into account both the rights and the obligations which they have under international law, including the freedom of the high seas. At the same time legitimate activities on the sea-bed would not be subject to interference. For example, the provision does not imply the right of access to sea-bed installations or any obligation to disclose activities on the sea-bed that are not contrary to the purposes of the treaty.

33. A number of delegations have made clear that they might wish to consider obtaining assistance from other States in carrying out verification. As provided in paragraph 2 of article III, the treaty recognizes that verification may be carried out by a party either by its own means or with the assistance of any other party, thereby facilitating participation by all parties regardless of their technological capabilities. The verification article also includes a commitment by the parties to consult and co-operate in order to clear up questions which might arise about fulfilment of the obligations of the treaty.

34. This completes my discussion of the principal substantive articles of the new draft treaty, but I would like to offer a few brief comments on some of the remaining administrative provisions on amendment, accession and the like.

35. First, the treaty contains an amendment provision which follows the precedent of the limited test-ban Treaty, in that it requires acceptance by a majority of all parties, including all nuclear-weapon parties, for entry into force of amendments.

36. Next, the first paragraph of article VI provides that the treaty shall be open for signature to all States. Such a provision would not, of course, affect the recognition or status of an unrecognized régime or entity which might elect to file an instrument of accession to this treaty.

37. Finally, paragraph 3 of article VI provides that the treaty would enter into force after twenty-two countries had ratified, including the depositaries. This follows the precedent of the 1958 Geneva Law of the Sea Conventions, as was suggested by the Swedish delegation.

(Mr. Leonard, United States)

38. The tabling of a draft treaty today opens up an opportunity for establishing in the near future a meaningful restriction on the deployment of nuclear weapons, which as such would contribute to the security of all countries. At the present moment, the work of this Committee has entered a most important phase. What we do or fail to do can have wide consequences. We have the chance to work out a measure which will be an effective barrier to the spread of the nuclear arms race and which will facilitate the use of the sea-bed for peaceful purposes. The time is short, and we will have to work hard. But I am confident that we can again demonstrate the competence and dedication that have brought this Committee to its present position of leadership in the field of arms control.

39. Mr. PORTER (United Kingdom): I should like to read a message to the Conference of the Committee on Disarmament from the Rt. Hon. Fred Mulley. It is as follows:

"Some of you may know that I have just left my post in the Foreign and Commonwealth Office to become Minister of Transport. I much regret that the duties of my new Department make it impossible for me to come to Geneva to take leave in person of my distinguished colleagues on the Conference of the Committee on Disarmament. I have valued highly the opportunity to work with you all towards the goals of arms control and disarmament which we share. I am particularly sorry that I shall not be able to assist you in carrying forward the work on chemical and biological warfare in which we have been engaged for the past fifteen months. I am also sorry not to be with you for the important step forward the Committee is taking today with the tabling by the co-Chairmen of a draft joint treaty on the sea-bed.

"I send you my best wishes for the success of your negotiations on these subjects and on the many other problems that lie before you."

40. The CHAIRMAN (Japan) (translation from French): I am sure that all members of the Committee will wish to express their regret that Mr. Mulley is leaving us. I should like to ask Mr. Porter to transmit our most cordial wishes to the Minister.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 440th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador Yoshihiro Nakayama, representative of Japan.

"Statements were made by the representatives of the Union of Soviet Socialist Republics, the United States of America, the United Kingdom and the Chairman.

"The delegations of the Union of Soviet Socialist Republics and the United States of America submitted a 'Draft Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the seabed and the Ocean Floor and in the Subsoil Thereof' (CCD/269).

"The next meeting of the Conference will be held on Thursday, 9 October 1969, at 10.30 a.m."

The meeting rose at 11.10 a.m.